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APPLICATION NO.		FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/484,260	09/484,260 01/18/2000		Thomas C. Gipson	P-355.5(Reisssue)	9484
26271	7590	12/22/2004		EXAMINER	
<b>FULBRIG</b>	HT & JA	WORSKI, LLP	SUCHFIELD, GEORGE A		
1301 MCKI SUITE 5100				ART UNIT	PAPER NUMBER
HOUSTON, TX 77010-3095				3672	

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)	7				
Office Antique O	09/484,260 ; 90/005,708	GIPSON, THOMAS C.					
Office Action Summary	Examiner	Art Unit	_				
	George Suchfield	3672					
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the	correspondence address					
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, - Any reply received by the Office later than three months after the mailing earmed patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be ting within the statutory minimum of thirty (30) day ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONI	mely filed  ys will be considered timely.  In the mailing date of this communication.  ED (35 U.S.C. § 133).					
Status	4 0004						
1) Responsive to communication(s) filed on 25 A							
· · · · · · · · · · · · · · · · · · ·	is action is non-final.						
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Disposition of Claims							
4)⊠ Claim(s) <u>4,5,9 and 12-25</u> is/are pending in the application.							
4a) Of the above claim(s) is/are withdraw	vn from consideration.						
5) Claim(s) is/are allowed.							
6)⊠ Claim(s) <u>4,5,9 and 12-25</u> is/are rejected.							
7) Claim(s) is/are objected to.							
8) Claim(s) are subject to restriction and/or	r election requirement.						
Application Papers							
9) The specification is objected to by the Examine	r.						
10) The drawing(s) filed on is/are: a) accept	oted or b) objected to by the Exa	aminer.					
Applicant may not request that any objection to the	e drawing(s) be held in abeyance. S	See 37 CFR 1.85(a).					
11) The proposed drawing correction filed on	is: a)□ approved b)□ disappr	oved by the Examiner.	•				
If approved, corrected drawings are required in rep	oly to this Office action.						
12) The oath or declaration is objected to by the Ex	aminer.						
Priority under 35 U.S.C. §§ 119 and 120							
13) Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 119(a	a)-(d) or (f).					
a) ☐ All b) ☐ Some * c) ☐ None of:							
1. Certified copies of the priority documents have been received.							
2. Certified copies of the priority documents have been received in Application No							
<ul> <li>3. Copies of the certified copies of the prior application from the International But</li> <li>* See the attached detailed Office action for a list</li> </ul>	reau (PCT Rule 17.2(a)).	•					
14) Acknowledgment is made of a claim for domestic	priority under 35 U.S.C. § 119(	e) (to a provisional application).					
a) ☐ The translation of the foreign language pro 15)☐ Acknowledgment is made of a claim for domesti	visional application has been re	ceived.					
Attachment(s)	o priority under 35 0.3.0. 99 12	o anu/or 121.					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Informal	ry (PTO-413) Paper No(s) Patent Application (PTO-152)					

Art Unit: 3672

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 4, 5, 9 and 12-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 4, as presently amended (accompanying the RCE Request, dated May 25, 2004), includes terms or subject matter not present in the specification and/or original disclosure. More specifically, no basis can be found in the specification or original disclosure for a frame having a "first" end and a "second" end. Only a "front end 36" and "back end 44" are specifically disclosed. Accordingly, this rejection could be overcome if the recitation "a first end and a second end" in line 3 of claim 4 were amended to read -- a front end and a back end --

Claims 5, 9 and 12-24 are similarly rejected as they depend from claim 4. Otherwise, the additional limitations recited in claims 5, 9, 12-16, 18, 19 and 21-24 are deemed supported by the specification and/or original disclosure.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Insofar as parent claim 11 has now been cancelled ("Please cancel claim 1, 2,, 3, 6, 7, 8, 10 and 11 without prejudice."), dependent claim 25 is deemed indefinite since it now depends from a cancelled claim.

- 5. Claims 4, 5, 9 and 12-24 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, first paragraph, set forth in this Office action.
- 6. Applicant's arguments filed with the amendment have been fully considered but they are not persuasive.

More specifically, all the pending claims are now deemed in concurrence with 37 CFR 1.173, i.e., they compare directly to the patent claims, which must be the case with each amendment. Claim 4, however, is still deficient under 35 USC 112, first paragraph, in referring to a first end and a second end, rather than a front end and back end, as pointed out in the rejection set forth in Para 2). It further noted that in the REMARKS/ARGUMENTS applicant asserts that claim 11 is pending, however, the accompanying amendment clearly directs claim 11 to be cancelled.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Suchfield whose telephone number is 703-308-2152. The examiner can normally be reached on M-F (6:30 - 3:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Bagnell can be reached on 703-308-2151. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Primary Examiner** Art Unit 3672

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November 15, 2004